

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6803

ROBERT HOLLAND KOON,

Petitioner - Appellant,

versus

CHARLES M. CONDON, South Carolina Attorney
General,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. C. Weston Houck, Senior District
Judge. (CA-01-3101-9-12)

Submitted: August 3, 2005

Decided: August 16, 2005

Before WILKINSON, MICHAEL, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Holland Koon, Appellant Pro Se. Donald John Zelenka, Chief
Deputy Attorney General, William Edgar Salter, III, OFFICE OF THE
ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Robert Holland Koon seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Dir., Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on March 16, 2004. The notice of appeal was filed, at the earliest, on April 16, 2004.* Because Koon failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We further deny Koon's motions for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the

*On limited remand, the district court found that April 16, 2004, is the earliest date that Koon could have properly delivered the notice to prison officials for mailing to the court. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

materials before the court and argument would not aid the decisional process.

DISMISSED